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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,910	03/31/2004	Roland Boltz	0598-1001	5706
466	7590	10/26/2005		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER EPPS, TODD MICHAEL	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,910	Applicant(s) BOLTZ ET AL.	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/10/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/812,910, Perforated Section Supporting Device Adapted To Be Fixed To A Surface Such As A Ceiling, filed on March 31, 2004.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 2, "U-section with branches comprising perforations" cites combination / subcombination problem.

Claims 7-8, and 10 are rejected as depending in claim 1. Claims 3-4 are rejected as depending in claim 2. Claim 5 is rejected as depending in claim 4, and claim 6 is rejected as depending in claim 5. Claim 9 is rejected as depending in claim 7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 2, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. 0108222 A2 to Rieth.

Rieth '222 discloses a fixing device (fig. 1) adapted to be fixed to a surface and to received a perforated section, wherein device comprising a plate (3) and a support (17) and having a wall (30) substantially perpendicular to a plate (3), and at least two claws (16) with the same orientation adapted to cooperate with corresponding perforations of a perforated section, wherein the wall includes a precut locking lug (18) adapted to be bent into another perforation; wherein a support has two parallel walls (fig. 1), the distance between the parallel walls corresponds to the distance between the branches of U-section, each of the parallel walls has at least one claw (16), all claws have the same spatial orientation, and at least one of the parallel walls has a locking lug (fig. 1); wherein the claws are produced by cutting a tongue into the corresponding wall and bending it along two transverse bending lines (fig. 2), wherein the locking lug (18) is aligned with the claws on the same wall (fig. 2), and is adapted to be bent along a bending line perpendicular to the bending lines of the claws, and wherein the locking lug (18) is trapezium-shaped (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rieth '222 in view of U.S. Patent No. 3,263,388 to Bogert.

Rieth '222 discloses the previous invention failing to specifically teach two parallel walls, wherein the walls are connected by a base perpendicular to each of the parallel walls and to the fixing plate. Attention is directed to Bogert '388 reference, which teaches two parallel walls are connected by a base perpendicular to each of the parallel walls and to the fixing plate. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide parallel walls of Rieth '222 with walls connected by a base perpendicular to each of the parallel walls and to the fixing plate as taught by Bogert '388 wherein doing so would provide for superior mounting on ceiling.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieth '222:

Rieth '222 discloses two fixing plates with two lugs extending at a right angle from one end of a wall, and made by cutting and bending sheet metal, however, fails to

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specifically teach wherein a support is a substantially rectangular-section tube, and has a longitudinal slot at one corner. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add two more walls with one wall a bit smaller to form a rectangular-section tube with a longitudinal slot at one corner wherein doing so would provide maximum connecting interaction with the supports to increase stiffness.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 3,889,439 to Kaspar

U.S. Patent No. 2,109,520 to Awbrey

The above references disclose a structure similar to the applicant's invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
October 17, 2005

 10/20/05
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600